

Region 1Hot Topics**R1 Continues Weekly Drinking Water Coordination Calls Re: COVID-19**

On April 7, R1 hosted a weekly COVID-19 Coordination call with the New England State Drinking Water Administrators. The call included discussion of sampling concerns, lab issues, operator certification and training, state resources, and public health considerations.

R1 Provides Support to Massachusetts Public Water Suppliers for COVID-19

On April 10, R1 participated in a teleconference with the Massachusetts Department of Public Health and public water suppliers in response to the present COVID-19 State of Emergency. The meeting focused on ongoing daily operational activities relating to drinking water issues including credentialing, monitoring schedules, and access to sampling points for routine bacterial analyses.

R1 Participates in COVID-19 Coordination Calls with States and Wastewater Operators

Since March 25, R1 has fielded questions on weekly conference calls hosted by Massachusetts Department of Environmental Protection with wastewater system operators to address concerns on COVID-19. Starting on April 13, R1 will also be participating on similar weekly conference calls hosted by the New Hampshire Department of Environmental Services with wastewater system operators in New Hampshire. In addition, since March 18, R1 has participated on weekly calls with the New England Water Pollution Control Commission and New England states to discuss the impacts of the COVID-19 crisis on wastewater system operations.

PFAS Study Paused at Pease Air Force Base in New Hampshire due to COVID-19

CDC/ATSDR announced it has paused the Pease Study due to COVID-19 concerns, with plans to reschedule current appointments at a future date. This multi-site national health study seeks to assess the relationship between PFAS exposure and certain health outcomes and involves taking a blood sample from adults and children as well as conducting behavioral testing for children ages five and older.

Regional Response Team 1 (RRT) Special Topics Conference Call on COVID-19 Emergency Response

On April 8, EPA and USCG co-chaired a special topics conference call with the federal and state response partners from R1 to discuss COVID-19 related issues. Topics of discussion included agency response postures, common operating picture best practices/lessons learned, concerns with current responses, and preauthorization of chemical dispersant usage for oil spills.

R1 Files Comments for Electric Boat Appeal

On April 8, R1 filed comments with the Department of Commerce to aid in its review of New York State's objection to Electric Boat's "consistency determination" for its proposed Dredged Material ocean dumping project. The Electric Boat shipyard in Connecticut has proposed dredging a channel to accommodate development of a new class of nuclear submarine for the Navy; and requested an Army Corps permit to dispose of this material at an EPA-established site in the Eastern Long Island Sound.

Water Line Installation Begins at Durham Meadows Superfund Site in Connecticut

This week, the water line construction contractor completed its mobilization to the Durham Meadows Superfund Site. A new 20-inch water main will be installed at the future water tank location, and the water tank site will be prepared for tank construction. New sections of the water main along Route 17 are scheduled to be installed next week.

Information Request for Naval Station in Newport, Rhode Island

On April 2, R1 sent a response to the Navy indicating that the Navy's intent to request a six-month extension for its response to EPA's March 23, combined CERCLA/CAA information request letter is unreasonable. R1 requested that the Navy assemble responsive information that it already has and send that information by the

original 30-day deadline, along with a detailed explanation and a schedule for completing the answers if an extension is required for any of the questions.

Assessment of Mill in Canton, Connecticut

On April 9, R1 initiated a new Targeted Brownfields Assessment (TBA) project to assess a mill in Canton, Connecticut. The Collinsville Avenue Mill was identified by the Connecticut Department of Energy and Environmental Protection as a TBA candidate based on plans to redevelop the mill for residential purposes. This site is one of several new projects being undertaken as part of an initiative to focus on the historic mill properties located throughout New England.

Upcoming Major Decisions and Events

Nothing to report.

Region 2**Hot Topics****Grasse River (Alcoa Aggregation), Massena, NY**

On April 7, Administrator Wheeler signed an Explanation of Significant Differences (ESD) to modify the remedy selected in the 2013 Record of Decision (ROD). The ROD called for dredging and capping of PCB-contaminated sediment in a 7.2 mile stretch of the lower Grasse River; most of that work was completed in 2019. The ESD calls for additional dredging to accommodate a new, larger tugboat with a deeper draft purchased by the St. Lawrence Seaway Development Corp. The PRP (Arconic) plans to conduct the removal of additional PCB-contaminated sediment in the main channel for navigational purposes, as required by the ESD, during the 2020 construction season. However, the Town of Massena (through the Town Board's attorney) has suggested that the dredging work and armor-capping work, planned for start on May 1 and June 1, respectively, be postponed because of concerns about the influx of 80-100 workers, of whom about 2/3 are from outside the local commuting area. The PRP has drafted a health and safety plan (HASP) to address COVID concerns, including 14-day quarantining of many workers prior to mobilization; and daily evaluation of all workers (including taking their temperature and inquiries about potential symptoms). R2 commented on the HASP and will be providing additional comments as we try to balance the risks of delay (particularly for the armored capping work) against COVID-related risks to the community and workers.

Cycle Chem (CC), Inc., Elizabeth, NJ: Cycle Chem (CC), Inc., Elizabeth, N.J.

On April 3, CC notified us that the start of some remedial work at this site has been delayed by about a month, primarily because CC's cleanup contractor is actively involved in managing COVID-related medical wastes from facilities around the Northeast. The delayed remedial work is pursuant to a RCRA 7003 Administrative Consent Order issued by EPA in January 2019.

Dupont/Chemours Litigation

A Delaware court dismissed a suit in which Chemours claimed DuPont under-estimated the size of its historical environmental liabilities when it spun off Chemours. The court determined it had no jurisdiction since the Separation Agreement between the parties required binding arbitration through which all disputes are to be addressed, not through traditional litigation. DOJ plans to set up a call with EPA and all affected states that have filed claims against DuPont/Chemours regarding fraudulent transfers or other financial claims.

West Valley Demonstration Project, West Valley, NY

In response to an Emergency Declaration by Cattaraugus County, and in furtherance of health and safety procedures to minimize COVID transmission, U.S. DOE requested that NYSDEC provide regulatory relief from the Land Disposal Restriction storage requirement for hazardous waste and universal waste. NYSDEC is authorized to administer the RCRA program and will decide on this request.

Northeast Drinking Water COVID Coordination Meeting

On April 7, R1 & R2 participated in a conference call with drinking water primacy agencies from NJ, NY and the 6 New England states to discuss how they are responding to the pandemic. All states indicated the same concerns as have previously been raised (e.g., lab capacity and available licensed operators over a prolonged period) and are eager to receive the anticipated supplemental guidance from OW. Several other concerns were also discussed.

Extension Request for NYCDEP's Open Waters LTCP

On March 19, NYC submitted to NYSDEC a Notice of Force Majeure and Modification Request for the City-wide CSO Long-Term Control Plan. The City stated that state and national emergency declarations are impacting staffing levels & resources available to complete the City-wide LTCP and requested a 60-day extension for its submittal to May 30. NYSDEC has approved the modification request.

Upcoming Major Decisions and Events

Virtual Meetings for Superfund Sites

R2 has scheduled a virtual public meeting on April 22, for the Arsenic Mine site proposed cleanup plan. The Community Advisory Group for the Newtown Creek site will hold a virtual meeting on April 15, and the Hoosick Falls Community Participation Workgroup will meet virtually on April 15.

Region 3

Hot Topics

The First Phase of Construction Is Complete for The Yard 56 Facility in Baltimore, MD

Work has been essentially completed for the first phase of development of Yard 56 located in Baltimore, MD. The Yard 56 facility is an approximately 20-acre parcel located in a mixed residential, commercial/industrial zone in the Bayview section of Baltimore, Maryland. The former owner, Pemco, operated the frit and pigments manufacturing facility since the early 1920's and ceased in September 2007. The facility, subject to RCRA CA, was contaminated with VOCs, PCBs, SVOCs and PAHs. MDE is the lead oversight agency for the facility, and, thru their Voluntary Cleanup Program, coordinated with LCRD to ensure that both agencies' program objectives were satisfied. As part of the redevelopment, remedy elements were incorporated in the construction activities. LCRD is in the process of completing the administrative process of finalizing the remedy decision by the end of May.

R3 issues State Review Framework (SRF) final report for Delaware

On March 30, R3 issued the final report for the Round 4 State Review Framework of the Delaware Department of Natural Resources and Environmental Control (DNREC). EPA found that DNREC succeeded in implementing improvements in several areas of concern identified in the last review. This current review documents DNREC program successes such as their air stack testing program, RCRA inspection reports resulting in appropriate enforcement actions, and a good enforcement presence in the NPDES permitted universe. Also documented are areas of concern related to the implementation of the NPDES program, specifically in meeting the eRule Phase II deadline and ensuring that enforcement cases meet the terms in DNREC's Compliance and Enforcement Response Guidance. The SRF is designed so that EPA may conduct oversight of state compliance and enforcement programs to ensure states are implementing compliance enforcement in a nationally consistent and efficient manner.

Interim Record of Decision for Fort Meade, Anne Arundel County, MD

On March 31, EPA signed an Interim Record of Decision (IROD) for the Ammunition Supply Point and Cells 1 and 2 of the Closed Sanitary Landfill (CSL). The IROD calls for air sparging, land use controls, monitoring of off-post groundwater use restrictions, and long-term monitoring for groundwater. The interim remedy was selected because groundwater contaminants were identified through Maryland Department of the Environment's post closure monitoring. Implementation of the IROD will assist in determining whether further action needs to be incorporated into a final Record of Decision (ROD) to address groundwater. The final ROD will also include Cell 3, currently undergoing a remedial investigation, and actions necessary to protect ecological receptors for the entire CSL. This IROD is one of two Federal Facility's mission measure achievements for March.

West Virginia Department of Environmental Protection This Week Released a Long-Awaited Plan to Update the State's Water Quality Standards

The rules govern the amount of pollution that can be discharged into the state's streams and rivers. The agency first proposed this revision of human health criteria in the state's water quality standards in 2018. WVDEP originally proposed updating standards for 60 pollutants in line with 2015 suggestions by the EPA. Two-thirds of the updates made it so less of certain chemicals could be discharged into rivers and streams and one-third loosened pollution levels. The proposal is open for public comment. Furthermore, a virtual public hearing is scheduled for May 19, from 6 p.m. to 8 p.m.

Air and Radiation Division (ARD) staff participate as Emergency Support Function-10 member in FEMAs COVID19 response

On April 1, R3 staff remotely staffed the Emergency Support Function Oil and Hazardous Materials Response (ESF-10) desk at FEMA R3 Regional Response Emergency Coordination Center as an ESF-10 Watchstander. When a president declares a major disaster or emergency, such as COVID19, FEMA will issue Mission

Assignments (MAs) to other Federal departments and agencies. As defined by FEMA, a MA is: “A work order issued by FEMA to another Federal agency directing the completion of a specific task, and citing funding, other managerial controls, and guidance.” The ESF-10 MA provides Federal support in response to an actual or potential discharge and/or release of oil or hazardous materials. The ESF-10 Watchstander acts as a liaison and relays FEMA’s MA response requests to the EPA Regional Emergency Operations Center. EPA’s current Mission Assignment goes through April 17, with EPA regional staff rotating through the position.

Air Plan Approval; Pennsylvania; Reasonably Available Control Technology (RACT) Determinations for Case-by-Case Sources under the 1997 and 2008 8-Hour Ozone National Ambient Air Quality Standards.

In this notice of proposed rulemaking action, EPA is proposing to approve Case-by-Case RACT determinations for four major sources in Pennsylvania.

Air Plan Approval; Maryland; 1997 8-hour Ozone NAAQS Limited Maintenance Plan for the Kent and Queen Anne’s Counties Area

In this notice of proposed rulemaking (NRPM), EPA is proposing to approve a state implementation plan (SIP) revision submitted by Maryland. This revision pertains to the Maryland Department of the Environment’s (MDE) plan for maintaining the 1997 8-hour ozone national ambient air quality standards (NAAQS) for the Kent and Queen Ann’s Counties area.

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Emissions Statement Certification for the 2015 Ozone National Ambient Air Quality Standard

In this final rulemaking action, EPA is approving Virginia’s emissions statement program certification for the 2015 ozone National Ambient Air Quality Standard (NAAQS). The Notice of Proposed Rulemaking (NPRM) was published on February 10; only one positive comment was received.

Raven Power LLC to Pay \$105,000 in Settlement of Alleged Violations of EPCRA/CERCLA Release Notification Requirements.

On April 1, the Regional Judicial Officer signed a Final Order ratifying a Consent Agreement between EPA and Raven Power LLC (Raven Power) that resolves alleged violations of release notification requirements under EPCRA § 304 and CERCLA § 103 at the H.A. Wagner Generating Plant (“Facility”). The alleged violations related to a reported release of sodium hypochlorite on September 10, 2017. R3 inspected the facility on July 20, 2018, to investigate compliance with the EPCRA and CERCLA emergency release notification requirements. EPA determined that Raven Power violated CERCLA § 103(a) by failing to provide timely notice of the release to the National Response Center. EPA also alleges that the Respondent violated EPCRA § 304(a)(3)(A) and (b) by failing to provide timely notice of the release to the State Emergency Response Commission (“SERC”) and the Local Emergency Planning Committee (“LEPC”). Additionally, EPA alleges that the Respondent violated EPCRA § 304(c) by failing to provide a written follow-up notice to the SERC and LEPC as soon as practicable after the release. EPA directly implements enforcement of EPCRA and CERCLA; the Maryland Department of the Environment is aware of this action. Raven Power has agreed to pay a \$105,000 penalty in this action, which protects public health and the environment by enforcing prompt notice of hazardous releases to the appropriate responders.

R3 Sends Advisory Letter to PuroClenz for FIFRA Violations Involving Unregistered Pesticides Related to COVID-19.

On March 30, EPA Region 3 sent an Advisory Letter to PuroClenz located in Valley Forge, PA, alleging violations of FIFRA. On March 24, EPA became aware that PuroClenz is offering for sale and distribution the product “PuroClenz Multi-purpose Anti-microbial Disinfectant Spray” (Product) and making claims related to the Coronavirus and disinfection. Additionally, PuroClenz is making claims that implied EPA endorsement of the Product. EPA believes this Product to be an unregistered pesticide and the Product does not appear on EPA’s “List N: Disinfectants for Use Against SARS-CoV-2.” The product is a pesticide and unregistered under FIFRA

§ 3 and is being sold and/or distributed in violation of FIFRA § 12(a)(1)(A). Additionally, by PuroClenz implying that its product is endorsed by EPA, it is in violation of FIFRA § 12(a)(1)(B). The letter advises PuroClenz that these pesticidal claims trigger FIFRA requirements, which PuroClenz is violating. This enforcement action furthers FIFRA's purpose of promoting environmentally safe and effective pesticide use. EPA notified the PA Department of Agriculture of the action.

Pennsylvania PWSS Annual Review

EPA has completed its annual review of Pennsylvania's implementation of the Public Water System Supervision (PWSS) Program. The report covers calendar year 2018 and highlights a few findings and recommendations relating to state primacy of drinking water rules, staffing levels and completed sanitary survey inspection numbers. EPA finds that Pennsylvania should retain primary enforcement responsibility (primacy) for the PWSS Program. The report was sent to the Deputy Secretary of Water Programs on April 3. EPA has requested that Pennsylvania provide a response to the findings and recommendations outlined in the report within 60 days of receipt.

EPA Approves Virginia's Nonpoint Source Management Plan

On April 2, EPA approved Virginia's Department of Environmental Quality's (VADEQ) 2019 Nonpoint Source (NPS) Management Plan, submitted on January 21, in accordance with Section 319 of the Clean Water Act (CWA §319). NPS water pollution is a growing threat to Virginia's environment and public health. The 2019 Management Plan describes Virginia's goals and activities during the next five years regarding grant funding, project implementation, education, outreach, and partnerships to reduce NPS pollution. In fiscal year 2019, EPA provided \$3,152,000 in Section 319 funding to help the state's nonpoint efforts. VADEQ satisfied all conditions for program approval by incorporating the eight key elements pursuant to CWA §319 that characterize an effective and dynamic NPS program.

Upcoming Major Decisions and Events

Nothing to Report.

Region 4Hot Topics**COVID-19 activities**

All R4 offices continue to operate under the COOP, utilizing the Pandemic annex. RA Walker is holding an All Hands conference call with R4 staff on April 9. Regional leadership meets daily to coordinate responses to COVID-19 issues. As lead Region for Superfund, R4 continues to implement national weekly calls with Superfund Division Directors.

COVID-19 Waste Combustion, FL: R4 has been coordinating with HQ on a response to FDEP about requirements for municipal waste combustors that want to burn an increased amount of regulated medical wastes.

Court Order for **Sterigenics** Facility, Cobb County, GA: The court has issued a Consent Order reflecting that Cobb County has agreed to allow Sterigenics to resume normal operations until the court issues a final judgment on the matter, which does not appear to have been scheduled. R4 will continue to monitor the docket for a scheduling order

FL 404 Assumption

R4 staff participated in webinar public meetings offered by FDEP on April 2 and April 6 regarding their draft rules that are out for public review and comment. R4 staff sought more information during a call with FDEP on April 7, regarding the State's proposal for interpreting "reasonable potential" of affecting federally listed species under 40 CFR 233.51(b)(2).

Fairfax Wood Treaters, Jacksonville, FL: On April 1, the Site accomplished Site Construction Completion, Final Close Out Report and Sitewide Ready for Anticipated Use. On April 2, a Deletion Concurrence Letter was received from the State of Florida. The Site is on track for deletion in FY20.

35th Avenue, Birmingham, AL: Sampling and cleanup operations at vacant and abandoned properties that require a warrant are ongoing. Sampling activities needing warrant for access is complete. Currently, 487 residential properties have been addressed. R4 ORC also responded to a request for an update by the U.S. Attorney's Office for Northern District of Alabama on status of cleanup and enforcement activities at the site.

Westside Lead Site (Elm Street), Atlanta, GA: Excavation of properties on Elm St. continues. Front yard excavation of current properties is complete, along with backfill and landscaping. Contractors are now working to complete rear yards. Lead concentrations in soils have been shown to increase as depth of excavation increases. Current status of activities are as follows: Sampling Metrics: 1068 residential properties, 296 access agreements received, 168 properties sampled and 90 parcels over 400 ppm lead; Removal metrics: 90 parcels requiring removal, 10 removals in progress and 3 removals completed.

Upcoming Major Decisions and Events

April 14	RA Walker will provide remarks at the Regional Business Coalition of Metropolitan Atlanta's virtual Board of Directors Meeting.
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Region 5

Hot Topics

EPA to Redesignate Areas in Indiana to Attainment

Based on three years of recently collected air monitoring data, Muncie and Indianapolis, Indiana, are both meeting National Ambient Air Quality Standards for lead and sulfur dioxide, respectfully. In addition to final redesignations for Muncie and Indianapolis, the Region will be proposing to redesignate Indiana's Lake and Porter Counties to attainment for ozone.

The redesignation notices will be ready for signature during the week of April 13 and will then be published in the *Federal Register*. R5 and Indiana Department of Environmental Management have agreed to a joint announcement, potentially including a press event with Governor Holcomb. We are also coordinating closely with OPA given the Administrator's interest.

Based on the 2008 lead NAAQS and 2010 SO₂ NAAQS, Muncie and Indianapolis went into nonattainment. Muncie met the standard in their 2013-2015 air monitoring data and Indianapolis met the standard based off their 2014-2016 air monitoring data. Based on the 2008 ground-level ozone NAAQS, Lake and Porter county went into nonattainment. Lake and Porter county met the standard based off their 2017-2019 air monitoring data.

EPA to Redesignate Pekin and Lemont, Illinois, to Attainment for SO₂

Based on three years of air monitoring data, Lemont and Pekin, Illinois, are both meeting the National Ambient Air Quality Standard (NAAQS) for sulfur dioxide.

EPA is preparing to redesignate Lemont and Pekin, Illinois, areas to attainment of the 2010 sulfur dioxide NAAQS. The final redesignations will be ready for Regional Administrator signature by April 20 and will then be published in the *Federal Register*. R5 and Illinois EPA will coordinate on a joint announcement of the redesignations.

As a result of three-years of air monitoring data, Lemont is currently at 11% and Pekin is at 23% of the allowed amount under the SO₂ NAAQS. EPA has continued to work with the state of Illinois to ensure their plans continue to keep these areas in attainment.

R5 Working with FEMA to Provide PPE

On April 3, R5 announced that it was working with FEMA to provide excess personal protective equipment to emergency and health professionals on the COVID-19 frontlines. The Region identified more than 10,000 pieces of excess personal protective equipment after assessing how much equipment would be needed to support essential functions. Among the items are N95 masks, protective disposable gloves, and full-body protective coverall suits. As a result of conversations with FEMA last week, R5 will be utilizing the GSA Excess Program (GSAXcess) as the mechanism required to transfer personal protective equipment to FEMA and/or states. Region 5 posted 180 N-95 respirators immediately and is working to post the remaining PPE.

R5 received considerable Congressional interest and has responded to the offices of Senator Richard Durbin and Representative Janice Schakowsky on the status and process of distributing the Region's excess PPE.

R5 Hosted State Farm Bureaus Strengthening Relationships in the Agricultural Sector

On April 8, RA Thiede hosted a call with the state Farm Bureaus in which the agriculture advisor to the Administrator and senior agricultural advisors were in attendance. The discussion involved updates to ongoing national priorities and continued building relationships throughout the agricultural sector.

Several points of discussion throughout the meeting included nutrient and water quality issues, Great Lakes, PFAS, and the Agency's rulemaking on the Navigable Waters Protection Rule. R5 is committed to continuing to strengthen channels of communication between the State Farm Bureaus, regional, and headquarters leadership.

R5 Held Conference Call for State Agency Directors to Collaborate on Remote Working

On April 7, RA Thiede coordinated a call with state agency leaders to discuss COOP plans, remote working technologies, and enforcement discretion outreach. State directors provided updates on current hot issues and economic requests.

Each state remains committed to protecting the health and human safety of their respective staffs while ensuring that the environmental mission remains a top priority. R5 is working to schedule a virtual face-to-face in early May.

Upcoming Major Decisions and Events

Several Great Lakes Announcements Planned for Week of April 13.

Following Administrator Wheeler's April 9 announcement regarding the \$20 million funding increase for GLRI, Region 5 will make several Great Lakes announcements during the week of April 13, including:

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| April 13 | R5 intends to announce a \$6.2 million grant to the Great Lakes Fishery Commission to restore and manage fish species. |
| April 1 | R5 will announce 15 nutrient reduction grants totaling \$9 million. |
| April 14 | R5 will also announce a recently signed Great Lakes Legacy Act project agreement for work on the Detroit Riverwalk. |

Region to approve Clean Water Act Treatment as a State Designation for Keweenaw Bay Indian Community

Next week RA Thiede will sign the approval of the Keweenaw Bay Indian Community's application for "treatment in a similar manner as a state" under the Clean Water Act for the L'Anse reservation in Michigan.

Region 6Hot Topics**COVID19**

R6 is coordinating closely with our state and tribal environmental and public health agencies as well EPA HQ offices to elevate and address challenges quickly. To date, no R6 employee has tested positive for COVID19. R6 offices in Dallas, Houston, El Paso and Tulsa have extended COOP until April 30. Nearly 100% percent of R6 employees are teleworking with a few mission essential employees reporting periodically to complete specific tasks. Travel continues to be restricted until April 30. All R6 state offices are teleworking and most Tribal Environmental Offices have reduced their activities.

Donna Canal Superfund Site, Donna, Texas

On April 4, dredging of PCB-contaminated sediment in Donna Canal was completed. The total volume dredged is approximately 9,200 cubic yards. Over the last week 4,150 tons of treated sediment was taken offsite to an approved landfill, and 2,600 gallons of water was released from the water treatment unit. Now that dredging is complete, the excavators will be decontaminated and then used to restore and reshape the canal banks where dredging has taken place.

U.S. Coast Guard/MARAD Deepwater Port Licensing, Gulf of Mexico

R6 is preparing a delegation package from the Administrator to the Regional Administrator regarding the Deepwater Port Act. The Deepwater Port Act requires the Administrator to make recommendations to the Secretary of the Department of Transportation on license issuance for deep water ports. The request for delegation is anticipated for signature on or before April 28.

Los Alamos National Laboratory, Los Alamos, New Mexico

On April 8, R6 and representatives from DOE Los Alamos National Laboratory participated in a briefing with Tribal representatives regarding the Flanged Tritium Waste Container operations at LANL. Tribal representatives have expressed concerns regarding movement of Tritium waste associated with this project and DOE's notification of the project. The EPA has regulatory responsibility under the federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Radionuclides regulations for LANL. The EPA is required to evaluate that projects are not expected to exceed LANL's annual limit of 10 millirem; which is equivalent to radiation exposure equal to a common chest x-ray at the doctor's office. LANL typically emits about 0.5 millirem per year. Under federal law, EPA found the LANL project meets NESHAP's Radionuclides regulatory requirements. NMED has delegated regulatory responsibility for RCRA. DOE reports that the Tritium waste will be shipped offsite and out-of-state for disposal. Local media attention has been high.

Tar Creek Superfund Site, Ottawa County, Oklahoma

On April 9, R6 hosted a webinar with the Tar Creek Trustee Council Indian Tribes to discuss the draft Human Health Risk Assessment for Tar Creek Operable Unit 5. The Trustee Council includes the Cherokee Nation, the Eastern Shawnee Tribe of Oklahoma, the Miami Tribe of Oklahoma, the Ottawa Tribe of Oklahoma, the Peoria Tribe of Indians of Oklahoma, the Seneca-Cayuga Nation, and the Wyandotte Nation. The Regional Administrator provided opening remarks about the purpose of the Webinar to discuss the draft Human Health Risk Assessment as it relates to Tribal Lifeways.

Denka Performance Elastomer, La Place, Louisiana

EPA continues to evaluate initial SPod air monitoring data around the Denka facility following the SPod air monitors' installation and deployment during the week of March 9. For the March 30 to April 7 time period, no canisters were triggered. Analysis (full TO-15 suite of compounds, including chloroprene) of the 18 canister samples triggered and collected prior to March 30 have been received from the lab and are being reviewed by the EPA air monitoring team. On April 6, R6 issued a letter to EPA contractors supporting the SPod project, exempting them from shelter-in-place orders issued by parish or state officials in Louisiana. Ambient community air monitoring continues.

Chevron Questa Mine, Questa, New Mexico

R6 is preparing a Proposed Plan to amend the Record of Decision for the Chevron Questa Mine Site to address CWA requirements. The estimated issuance of the Plan is now July, with the Administrator briefing scheduled in June. The CWA requirements are currently addressed through a National Pollutant Discharge Elimination System (NPDES) permit. Region 6 is working with the New Mexico Environment Department Surface Water Bureau to finalize discharge requirements for inclusion in the Proposed Plan. Although progress has been made on the discharge requirements, additional technical analysis for anti-degradation requirements is required prior to issuance of the Proposed Plan.

Upcoming Major Decisions and Events

New Mexico Interstate Transport Requirements, New Mexico

By April 16, R6 anticipates final action approving New Mexico's SIP revision for 2008 Ozone National Ambient Air Quality Standard. This action is taken to demonstrate that the New Mexico SIP meets the Clean Air Act (CAA) transport requirements for the 2008 Ozone NAAQS.

Louisiana Underground Storage Tank Program

R6 intends to approve the Louisiana Re-SPA package. Under the 2015 state program approval (SPA) regulation, states plus the District of Columbia and Puerto Rico, which currently have SPA, must reapply in order to retain their SPA status.

Texas Underground Storage Tank Program

R6 intends to approve the Texas Re-SPA package. Under the 2015 state program approval (SPA) regulation, states plus the District of Columbia and Puerto Rico, which currently have SPA, must reapply in order to retain their SPA status.

Texas SIP for Construction Prior to Permit Amendment Issuance

By April 22, R6 anticipates proposed approval for revisions to the Texas SIP for Construction Prior to Permit Amendment Issuance. Proposal allows revisions to the Texas SIP for certain minor NSR actions. This rulemaking action is being proposed in parallel with the state's proposed rulemaking action.

April 15	University of Texas Engineering School (virtual); Austin, Texas
April 22	EarthX Law and Policy Symposium (virtual); Dallas, Texas

Region 7Hot Topics**R7 announced awarding Reduction in Lead Exposure via Drinking Water grant funding to help schools and childcare programs test for lead within their drinking water systems to three Region 7 state organizations.**

R7 is committed to continuing a collaborative approach with our state partners to address the threat of lead exposure and protect the health of our nation's most vulnerable.

Description:

- The Reduction in Lead Exposure via Drinking Water grant funding is a resource, which creates or expands programs to test for lead in drinking water at schools and childcare programs in states and the District of Columbia.
- The following grants were award in R7:
 - \$522,000 to the Nebraska Department of Health and Human Services.
 - \$719,000 to the Missouri Department of Health and Senior Services.
 - \$472,000 to the Kansas Department of Health and Environment.

Second Round Private Well Sampling Results from the Syntex Facility Superfund Site (Verona, Missouri)

Data transmittal letters for a second set of groundwater well sampling results will be mailed in the next 30 days. The samples were collected in response to 1,4 Dioxane testing conducted near the Syntex Facility Superfund Site.

Description:

- In response to community concerns, Region 7 recently conducted groundwater well sampling efforts at the Syntex Facility Superfund Site, a 180-acre site in Verona, Missouri, where several companies produced 2,4,5-trichlorophenoxy-acetic acid (one-half of the defoliant Agent Orange) or hexachlorophene, contaminating groundwater and soil with dioxin and semi- and volatile organic compounds.
- R7 has received a second set of analytical results for 66 private wells sampled in January and February, bringing the total number of private wells tested at the site to 111.
- Data transmittal letters for the January and February 2020 sampling event are being prepared and will be mailed within 30 days. The data transmittal letters for the December 2019 sampling have already been sent to property owners.
- Overall, R7's private well surveying and sampling results indicate very limited impact to private wells near the Syntex Facility. One well from the first set of sampling detected impacts from 1,4-dioxane (above the Regional Screening Level but below Removal Management Level). Region 7 is currently determining the proper authority to address the impacted well. No impacts were detected in the second set of sampling.

Approval of Missouri Total Maximum Daily Load for Cedar Creek

R7 approved an *E. coli* TMDL for a Missouri waterbody, Cedar Creek, on April 7. The water body is in Cedar, Vernon, Barton, Dade and St. Clair Counties.

Description:

- The TMDL document was initially submitted by the Missouri Department of Natural Resources to R7 on February 20. A revised TMDL was submitted by the state on March 27.
- The TMDL goals established for *E. coli* are protective of all the designated uses for Cedar Creek, including irrigation, livestock and wildlife protection, human health protection; warm water habitat (aquatic life); whole body contact recreation category A; and secondary contact recreation.

Upcoming Major Decisions and Events

Nothing to report.

Region 8

Hot Topics

Center for Biological Diversity (CBD) Notice of Intent (NOI) to Sue for EPA's Failure to Take Final Action on Several Ozone State Implementation Plans (SIPs)

On April 2, CBD submitted a 60-day NOI to file suit because the EPA has not taken final action on several elements of Colorado's 2008 ozone National Ambient Ozone Standards (NAAQS) attainment plan for the Denver Metro/North Front Range nonattainment area and Colorado's 2015 ozone NAAQS infrastructure. The NOI identifies seven elements that the EPA has not taken final action on from the state's 2008 ozone Moderate area attainment plan. On July 3, 2018, the EPA took final action approving most of the state's 2008 ozone moderate attainment plan. The EPA did not act on the elements listed in the NOI as they were not approvable. The EPA worked with Colorado to address the remaining elements and we will soon propose to approve five of the seven elements identified in CBD's NOI by late summer/early fall. We are working with the state to resolve the remaining two areas.

Stop Sale Order issued to Pure Maintenance Company alleging erroneous COVID-19 disinfectant claims

R8, CID and Utah coordinated to investigate a tip regarding a Utah business offering a service to "homes, businesses, hotels, buses and planes" to prevent the spread of the novel coronavirus, COVID-19. On April 2, the EPA received a tip that Pure Maintenance Company advertised its dry fog technology as an EPA-approved pesticide to kill COVID-19. The products were not on the EPA list of approved COVID-19 products, nor were these products labeled for residential use.

The Utah Department of Agriculture and Forestry issued a Stop Sale Order on April 2 to ensure the product and the COVID claims did not enter commerce. The product registrant, BioSafe Systems, was also informed of the Stop Sale and misuse of their product. BioSafe contacted its distributors to inform them that it was a violation of Federal Law to use this product against COVID-19 and/or in residential zones.

Upcoming Major Decisions and Events

The R8 Regional Administrator and Chief of Staff have the following external stakeholder events scheduled for the week of April 13:

April 15	Region All Hands Call
April 16	Call with BLM and WY DEQ
April 17	Call with Region 8 State Directors (CO, MT, ND, SD, UT and WY) to ensure continuity of operation from COVID-19 pandemic.
April 17	Call with Region 8 Agricultural Commissioners (CO, MT, ND, SD, UT and WY) to ensure continuity of operation from COVID-19 pandemic.

Region 9**Hot Topics****Manchester Repayment Suspension**

The Manchester Band of Pomo Indians is currently on a reimbursement payment plan to repay the EPA for the unsupported use of over \$321,000 in grant funds. The chairperson has asked if EPA could suspend payments or possibly forgive their debt, given they recently shutdown their casino due to the COVID-19 outbreak. The casino was the tribe's source of income to repay their debt. The Grants Branch is considering suspension options. The recipient currently does not have active EPA grants.

CAA Consent Decree

A consent decree between EPA, DOJ, and California with Kohler Co. was entered on April 6, by the U.S. District Court for the Northern District of California, resolving millions of alleged violations of the CAA and California law. Under the terms of the settlement, Kohler will pay a \$20 million civil penalty and retire more than three million kilograms of unlawfully generated hydrocarbon (HC) + oxides of nitrogen (NOx) emission credits. The violations pertain to Kohler's manufacture and sale of millions of small spark-ignition (Small SI) engines that did not conform to the certification applications Kohler was required to submit to EPA and the California Air Resources Board (CARB). More than 144,000 of the engines were also equipped with a fueling strategy designed to cheat emissions testing standards (commonly referred to as a "defeat device"). Small SI engines are used in lawn mowers, ride-on mowers, commercial landscaping equipment, and generators.

New Targeted Brownfields Assessments

Over the past two weeks, we began four assessment projects under our newly awarded Targeted Brownfields Assessment contract. These projects will benefit the Washoe Tribe of Nevada and California, Hoopa Valley Tribe, Tohono O'odham Nation, and the American Samoa Economic Development Authority. Among the planned reuses for target sites are a tribal cultural center; tribal housing; open space and cattle grazing; and an airport expansion and redevelopment.

Community Revitalization Assistance Supporting Arizona's Rio Salado

On March 31, we participated in a virtual white board meeting organized by Arizona State University where Phoenix Metro Area stakeholders discussed EPA's pilot Opportunity Zone technical assistance engagement and how it could help revitalization efforts along the Rio Salado River Corridor. The Phoenix Metro Area is one of six pilot communities for this new Office of Community Revitalization technical assistance program.

Cuyama River Oil Spill (Santa Barbara County, CA)

On April 3, EPA OSC Castellana, along with other representatives from the Unified Command (State of California Fish and Wildlife, Santa Barbara County Fire Department, and the Responsible Party) conducted a final walk-through of the affected two-mile reach of the Cuyama River, Santa Barbara County, California. The oil spill resulted from a tanker accident on March 21, releasing 6,000 gallons of crude oil into the river. The Unified Command agreed that all endpoints in the Incident Action Plan had been met. A crew of approximately 70 workers were involved in cleanup operations. In the wake of the COVID-19 emergency, the Unified Command instituted strict PPE, decontamination, and social distancing protocols throughout the spill response. There have been no reported illnesses among the responding entities.

San Gabriel Valley Area 1 Superfund Site, El Monte Operable Unit (El Monte, CA)

On March 23, the West Side Performing Settling Defendant (WSPSD) (HCC/Hermetic Seal/Ametek), notified EPA that as a result of the March 19, State of California Executive Order regarding COVID-19, they will be following the procedures outlined in the Section XVIII of the 2004 EMOU Consent Decree (CD) for a potential "force majeure" event. On April 6, the WSPSD submitted their Explanation for Delay. This is the first notification that R9 has received to date whereby a PRP is seeking relief under a "force majeure" clause in a

judicial consent decree. The WSPSD is, in large part, claiming financial hardship. SEMD and ORC are reviewing the submissions.

Upcoming Major Decisions and Events

SF Bay Funding Webinar

This week, we will host a webinar for prospective applicants for the FY2020 SF Bay Water Quality Improvement Fund Request for Applications (RFA). Approximately, \$5.5 million is available for habitat and water quality improvement grants. The webinar will include an overview of RFA and time for Q&A with attendees. Proposals are due on May 13.

Virtual Tribal Leaders Meeting

On April 13, R9 RA Busterud will convene a virtual roundtable discussion for tribal leaders in R9 to share their concerns and questions. He will be joined by R9 senior managers. This meeting replaces a similar in-person event the Region would normally convene at the upcoming RTOC.

Region 10Hot Topics

Nothing to report.

Upcoming Major Decisions and Events**Hazardous Waste Delisting - Emerald-Kalama/Fire Mountain Farms (WA)**

On April 8, R10 finalized a RCRA hazardous waste exclusion, or delisting, responding to three petitions submitted by Emerald-Kalama Chemicals and Fire Mountain Farms. These petitions addressed a mixture of biosolids and industrial hazardous waste at three Fire Mountain Farms facilities in south-west Washington. This delisting supports the closure process by establishing a disposal pathway that is implementable and consistent with the current actual risks of the waste. Under state-only authority, the Washington Department of Ecology is issuing its own delisting decision in parallel with EPA's action. This action reflects extensive collaboration between Ecology and EPA to integrate the various regulatory authorities applicable to this issue.

Puget Sound No-Discharge Zone (WA)

On April 8, EPA filed a response to American Waterways Operators' motion for summary judgment in the no-discharge zone litigation. EPA's filing points to new circumstances--the General Counsel's March 26th memo to the Regional Administrator explaining EPA's legal position that costs must be considered when evaluating the availability of pump out facilities under CWA Section 312(f)(3).

Mountain Home Air Force Base Superfund Site Proposed Plan to be Released (ID)

EPA has approved the Proposed Plan for No Further Action at Operable Unit 7 at the Mountain Home Air Force Base. The site had two oil-water separator tanks removed previously and OU-7 was developed to address the underlying soils. PAHs are the main contaminants of concern. The Air Force, Idaho DEQ and EPA have agreed to release the Proposed Plan. There has been no public interest in the past and the AF has the entire Administrative Record online supporting the Proposed Plan. It is estimated to be released on April 15.

Midnite Mine Superfund Site Water Treatment Plant Operations (WA)

The Spokane Tribe passed a resolution on April 1st allowing Newmont Mining, the PRP, to begin limited construction activities at Midnite Mine. In order to manage water that has collected in the pits over the winter, Newmont is opening the Water Treatment Plant, and bringing the eight trained operators back to the site to operate the WTP. After initial sampling to assess the needed additives for treatment, the plant will need to run 24-hours a day for four-day stretches. This was determined by Newmont to be the most effective configuration for social distancing and compliance with the current health and safety protocols. Newmont has worked with the Spokane Tribe regarding procedures and criteria for identification of personnel before coming on site to ensure those coming to work are healthy, and on procedures for those who become sick during work. Newmont is assessing daily work and schedules this season and informing EPA of these decisions as they are made.

Public Notice of NPDES Permit for Metlakatla Sewer Treatment Plant (AK)

Next week R10 is planning to Public Notice the NPDES Permit for the Metlakatla Sewer Treatment Plant. The WWTP is located on the Annette Islands Reserve, and discharges to Tribal Waters. The Draft Permit is undergoing internal review, as the Tribe had requested changes to the Preliminary Draft Permit during Tribal Coordination. Tribal Coordination was completed on April 6th. EPA has revised the Permit and Fact Sheet

accordingly. As soon as internal review is completed, a public comment period is expected to begin between April 13 and April 24. The Public Comment period would commence for 30 days.

Idaho Department of Environmental Quality Clean Water Act 401 Certification for CAFO General Permit

On April 8, the Idaho Department of Environmental Quality sent the final CWA 401 Certification for the Idaho NPDES CAFO general permit to EPA R10. EPA will review to determine if any further changes to the final permit are needed. EPA is on track to complete the permit before June, when DEQ takes over the industrial portion of the NPDES program. The previous Idaho NPDES CAFO general permit expired in May 2017 and EPA has made many modifications to the current proposed permit to ensure the nutrient management requirements are more specific and clearer.

Office of Air and RadiationHot Topics**Packages for Signature**

- Fuels Regulatory Streamlining (Proposed Rule)
- MATS Coal Refuse-Fired Units (Final Rule)
- Continuous Emission Monitoring; Quality-Assurance Requirements During National Emergencies (Interim Final)

Packages at OMB for Review

- MATS RTR & Cost Review (Final Rule: RECEIVED DATE October 4, 2019)
- Boiler MACT (Proposed Rule: RECEIVED February 7)
- Biogenic CO₂ (Proposed Rule: RECEIVED February 24)
- Granting Petitions to Add n-Propyl Bromide to the List of Hazardous Air Pollutants (Final Notice: RECEIVED February 24)
- PM NAAQS (Proposed Rule: RECEIVED March 4)
- Cost Benefit Rule (Proposed Rule: RECEIVED)

Packages Heading to OMB Soon

- Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Reconsideration of Fugitive Emissions (Proposed Rule)
- NSPS for GHG Emissions from New, Modified, and Reconstructed Stationary Sources: EGUs (Final Rule)
- Amendments Related to Marine Diesel Engine Emission Standards (Final Rule)

Upcoming Major Decisions and Events**Final report: U.S. Inventory of Greenhouse Gas Emissions and Sinks: 1990-2018**

Next week, EPA anticipates finalizing the annual U.S. Inventory of Greenhouse Gas Emissions report. The Inventory, which is published annually in compliance with international treaty obligations, tracks total annual U.S. emissions and removals by source, economic sector, and greenhouse gas going back to 1990. In February, EPA published a draft report for public comment. The final report finds that net greenhouse gas emissions in 2018 (accounting for sequestration from the land sector) increased by 3.2% from 2017 to 2018 and decreased by 10.2% from 2005 to 2018.

Announcing application period for DERA funding

Next week, OAR will announce the availability of \$2.0 million in grant funding for tribal applicants to establish diesel emission reduction projects. Under this grant competition, applicants may request up to \$800,000 in federal funding. OAR anticipates awarding approximately eight tribal assistance agreements, and projects may include replacing, upgrading or retrofitting school buses, transit buses, heavy-duty diesel trucks, marine engines, locomotives, energy production generators or other diesel engines. Proposals from tribal applicants must be received by Thursday, July 9.

AirNow Relaunch

Next week, OAR anticipates relaunching the updated AirNow website. This multi-agency site has been updated to a new, mobile-friendly format; improved infrastructure; and enhanced capability to handle spikes in user demand (e.g., such as that experienced during the November 2018 California wildfires). AirNow is powered by data and information from EPA and more than 140 federal, state, local and tribal air agency partners.

Office of Chemical Safety and Pollution Prevention

Hot Topics

Updates to List N - Disinfectants for Use Against SARS-CoV-2, New Options for Manufacturers

On April 9, OPP released its 5th update to List N, adding 16 additional disinfectants. OPP also announced on April 10th a second revision to the temporary modification to Pesticide Registration (PR) Notice 98-10. This revision will allow greater regulatory flexibility by expanding the types of actions that occur without EPA review for all active ingredients, including the quats (quaternary ammonium compounds), on List N.

Laboratory Coronavirus Testing

OPP's Biological and Economic Analysis Division's (BEAD) Microbiology Laboratory (MLB) has established the cell lines (mammalian cells) needed in order to grow a human coronavirus, including the cells necessary to grow the SARS-CoV-2 virus, to sufficient levels for antimicrobial product testing. The lab will initiate testing first using a safer human coronavirus isolate (requiring Biosafety Level 2) in order to address any challenging biosafety issues prior to work with SARS-CoV-2 itself, which requires a higher Biosafety Level (BSL 3).

OCSPP Collaborates with Federal Partners to Educate Tribal Communities

OCSPP will introduce the List N - Disinfectants for Use Against SARS-CoV-2 to public health and community health professionals in tribal communities, including environmental health and air quality professionals, on April 9 at a Tribal Healthy Homes Network webinar. OAR, federal partners (i.e., CDC, IHS) and community public health professionals will also participate on the panel to raise awareness on safe and proper use of cleaners, sanitizers and disinfectants.

Upcoming Major Decisions and Events

Webinar on Recent Announcement on TSCA Fees for EPA-Initiated Risk Evaluations (REs)

OPPT will host a webinar on April 16 reviewing the recently announced plan to reduce the burden for certain stakeholders subject to TSCA Fees Rule requirements for EPA-initiated REs. It will cover the practical application of EPA's plan to initiate a rulemaking process to consider proposing exemptions to the current rule's requirements for manufacturers that: import a high-priority chemical substance in an article; produce a high-priority chemical substance as a byproduct; and produce or import a high-priority chemical substance as an impurity. It will also cover the "no action assurance" for these three categories for the ongoing twenty EPA-initiated REs, and what it means for reporting during the current period, which closes May 27.

Draft Risk Evaluation (RE) Scope Documents for the remaining 7 of the 20 High Priority Chemicals

OPPT will soon seek public comment on draft RE scope documents for 7 of the 20 chemicals designated high priority for RE under TSCA. The drafts include proposed conditions of use, hazards, exposures, and potentially exposed or susceptible subpopulations EPA expects to consider. The first 13 were released the week of April 6.

Registration of a New Active Ingredient, Nootkatone

In mid-April, OPP's Biopesticides Division will release for comment the proposed registration of a new biochemical active ingredient, nootkatone. Developed by the CDC, nootkatone will be used to develop new insect repellents and insecticides to protect people and pets. It works differently than currently available active ingredients. Following registration, formulation, and EPA review and approval, new products could be commercially available as early as 2022.

Speaking Engagements

April 17-23

AA Dunn will record messages for three pre-recorded panels for the virtual ABA Section of Environment, Energy, and Resources Spring Conference.

Office of the Chief Financial OfficerHot Topics

On March 27, the President signed the \$2 trillion CARES Act to respond to impacts of the coronavirus, which included \$7.2 million in EPA funding to support research, expand pesticides registrations, and disinfect EPA facilities. OMB has approved the apportionment and OCFO has made the funds available to the relevant agency programs. To prepare for expected OMB and Congress financial and programmatic update requests, OCFO has issued supplemental funding guidance explaining how the agency will track and report on the use of the supplemental funding.

OCFO submitted EPA funding opportunities to stimulate the economy to OMB and continues to coordinate with the relevant offices to respond to OMB's questions to help clarify and strengthen EPA requests.

OCFO has been working with OECA and OGC to address debtors citing COVID-19 as an inability to pay the EPA. We provided four requests for changes in installment agreements due to COVID19. In addition, OCFO has reviewed the list of conferences that have been affected by COVID-19. The agency had approved 32 conferences scheduled to occur between April and the end of June. Of the 32, four are over \$100,000. To date, all 32 conferences have either been cancelled, postponed, rescheduled or are under review as a result of COVID pandemic.

Upcoming Major Decisions and Events

OCFO is scheduled to brief the Associate Deputy Administrator to obtain his input on the approach for the May 4 Spring Planning Meeting and July 8 Budget Forum with the Senior Leadership Council.

GAO and OIG Audits and Activities

The following tables summarize new agency GAO and OIG entrance conferences since the last weekly report:

GAO Audits – Week Ending 4/3/2020				
Audit Type	Title	Office	Engagement/Report No.	Next Steps/Comments
Entrance Conference	The Use and Known Effects of Dispersants in Oil Spills	ORD	Engagement Code 104153	Entrance Conference held April 2, 2020
	2020 Survey of Federal Managers	OMS	Engagement Code 103910	Entrance Conference held March 31, 2020

OIG Audits – Week Ending 4/3/2020				
Audit #	Title	Status	Office	Next Steps/Comments
None.				

Other

As OCFO continues the implementation of the Evidence Act, we are establishing an Evidence Act Workgroup to provide leadership and guidance. OCFO sent a request on April 1 to NPMs and select Regions to provide names of participants for the agency's Evidence Act Workgroup. These nominations are due by April 15 from senior leaders to the Deputy Chief Financial Officer. The first workgroup meeting is being planned for the week of April 20.

Final FY 2020 Strategic Reviews summary of findings dashboards and risk assessments approved by agency senior leaders are due to OCFO on April 17.

OCFO has requested that Enterprise Risk Leads provide quarterly updates by April 23. OCFO will analyze the updates and recommend topic(s) for the Quarter 2 Quarterly Performance Review with the Administrator planned for May.

Office of Congressional and Intergovernmental RelationsHot Topics

Nothing to report.

Upcoming Major Decisions and Events

Ongoing	OCIR is fielding multiple committee and member inquiries on coronavirus viral disinfectant and wastewater funding and program implementation issues and coordinating closely with OHS/OPA
Ongoing	COVID-19-tracking state and local inquiries of national significance re: grants fuel waivers, enforcement
TBD	Conference Call with Senator Daines' Staff to Discuss the Classification Criteria for Nonhazardous Secondary Materials
April 13	Office of Water and Region 10 will join OCIR for a call with Gresham local officials to discuss the city's interest in WIFIA support for a proposed \$54M New Groundwater Supply System project
Apr 14 (tent.)	House & Senate appropriations briefing on PFAS w/OCFO, OW, ORD, OCSPP, and OLEM
April 1	Charter renewal of the Environmental Financial Advisory Board
April 30	NIEHS/Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) briefing including Sen. Shaheen (NH)/Rep. Calvert (CA) w/OCSPP

Office of Enforcement and Compliance AssuranceHot Topics**Publication of COVID-19 Enforcement and Compliance Resources**

OECA created a public website that houses all compliance and enforcement related COVID-19 materials, <https://www.epa.gov/enforcement/covid-19-enforcement-and-compliance-resources>. The site includes links to EPA's temporary enforcement discretion policy, no action assurances, and emergency fuel waiver issued during the COVID-19 public health emergency. The webpage also provides answers to frequently asked questions on the Temporary COVID-19 Enforcement Policy.

Helping Ohio and their Clean Water Act NPDES Regulated Community Stay in Compliance

Due to COVID-19, teleworkers employed by the state of Ohio initially had no way to electronically transfer Discharge Monitoring Reports, which are required National Pollutant Discharge Elimination Systems compliance data, to EPA. With fast and focused collaborative work, OECA worked with Region 5 and state officials, to identify and implement a successful alternative method for sharing the data. OECA continues to work to ensure Ohio and its regulated community stay in compliance during this public health emergency.

Report to OMB Under Executive Order 13892 on Compliance with SBREFA

On April 3, OECA submitted a report to OMB demonstrating that its civil administrative enforcement activities, investigations, and other actions comply with the Small Business Regulatory Enforcement Fairness Act (SBREFA), as required under Executive Order 13892, *Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication*. EPA has historically addressed the special circumstances of many small entities when assessing penalties in enforcement actions. EPA also has a robust program that incentivizes the self-disclosure and timely correction of violations by providing for reduced penalties when the criteria of the applicable policy are met. In addition, the Small Business Administration's Office of the National Ombudsman has awarded the EPA an "A" rating in its annual report to Congress every year since 2005. EPA's commitment to ensuring its civil administrative enforcement activities, investigations, and other actions comply with SBREFA is affirmed by the consistently high rating it receives from the Small Business Administration's Office of the National Ombudsman.

Upcoming Major Decisions and Events

On April 14, OECA AA Susan Bodine will speak on a U.S. Chamber of Commerce Webinar on "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program." The webinar attendees will include U.S. Chamber of Commerce staff and its member companies from a broad range of different industrial sectors including the energy, automotive, manufacturing, and agriculture sectors.

Office of General CounselHot Topics***U.S. v. New Mexico Environment Department*, No. 2:19-cv-00046 (D.N.M. Mar. 31)**

This case involved a challenge by the U.S. Air Force to a hazardous waste disposal permit issued by New Mexico for the Cannon Air Force Base. EPA is not a party in this case. The New Mexico permit seeks to regulate a broad range of hazardous wastes, including PFAS/PFOA, under the authority of the New Mexico Hazardous Waste Act (NMSWA). The U.S. asserted that New Mexico's definition of hazardous waste in the permit is broader than the definition of hazardous waste under both NMSWA and the Resource Conservation and Recovery Act (RCRA) and that therefore, RCRA's waiver of sovereign immunity does not subject the Air Force to the portions of New Mexico's permit that exceed those definitions (e.g., corrective action pertaining to PFAS/PFOA contamination). The court denied New Mexico's motion to dismiss and request that the court abstain from exercising its jurisdiction over this claim.

***State of California v. Donald Trump*, No. 1:19-cv-00960 (D.D.C. April 2)**

The court granted the United States' motion for summary judgment for lack of standing in a suit challenging the "2-for-1" Executive Order, EO 13771 "Reducing Regulation and Controlling Regulatory Costs." EPA is not a party in this case. The judge held that Plaintiffs California, Oregon, and Minnesota failed to demonstrate that the EO caused harm to their environmental, fiscal, and other interests.

***Natural Resources Defense Council v. Wheeler*, No. 18-1172 (D.C. Cir. April 7)**

This case involved the Clean Air Act Significant New Alternatives Policy (SNAP) program. Natural Resources Defense Council (NRDC) and several states challenged a guidance document (2018 Guidance) issued by EPA, which explained how it would apply an earlier court decision on a 2015 SNAP rule (2015 Rule) pending the Agency's action on remand in that earlier case. NRDC and several states challenged the 2018 Guidance, claiming that it was final agency action reviewable by the court and that EPA had failed to comply with notice-and-comment rulemaking requirements. The majority held that the 2018 Guidance was a legislative rule improperly issued without notice-and-comment rulemaking.

***Sierra Club v. EPA*, No. 18-1167 (D.C. Cir. April 7)**

The court found that EPA's Guidance on Significant Impact Levels (SILs) for Ozone and Fine Particles in the Prevention of Significant Deterioration (PSD) permitting program under the Clean Air Act is not final agency action and dismissed the Sierra Club's petition for review for lack of subject matter jurisdiction.

***Sierra Club v. EPA*, No. 20-1115 (D.C. Cir. filed April 7)**

A group of environmental and public health organizations led by the Sierra Club filed a petition for review of EPA's February 2020 action withdrawing the SSM SIP call issued to Texas. The filing notes that "this petition for review is related to" the existing D.C. Circuit litigation on the 2015 SSM SIP Action.

On March 10, EPA R3 received a notice of intent to sue (dated February 27) from the Georgetown Law Institute for Public Representation on behalf of the Gunpowder Riverkeeper. The NOI alleges failure to perform a non-discretionary duty to disapprove a total maximum daily load (TMDL) submitted by the State of Maryland to address polychlorinated biphenyls (PCBs) in the Gunpowder and Bird Rivers. The NOI alleges that Maryland's TMDL impermissibly relies on "natural attenuation," the process of letting chemicals break down naturally, as the primary method of reducing PCB concentrations.

EPA received a NOI, dated April 2, from the Center for Biological Diversity alleging that EPA has missed the statutory deadline to act on (1) several nonattainment planning elements for the 2008 ozone NAAQS for the Denver nonattainment area and (2) Colorado's infrastructure SIP submittal for the 2015 ozone NAAQS, including the interstate transport prongs.

On March 30, nine environmental organizations provided a NOI regarding alleged Endangered Species Act (ESA) violations associated with the Navigable Waters Protection Rule (NWPR). The organizations allege that EPA and the Army Corps of Engineers violated ESA section 7 by failing to consult with the U.S. Fish & Wildlife Service and National Marine Fisheries Service prior to issuing the NWPR. The organizations assert that the NWPR is a discretionary agency action that "may affect" listed species by removing Clean Water Act protections for various types of waterbodies that such species depend on, arguing that the agencies were thus required to consult under the ESA to ensure that the rule is not likely to jeopardize listed species or adversely modify critical habitat.

Upcoming Major Decisions and Events

Nothing to report.

Office of International and Tribal AffairsHot Topics**White House Indian Country COVID-19 Call**

EPA (OITA) participated in the White House Indian Country COVID-19 response call with tribal leaders. The Department of Health and Human Services, Indian Health Services, and the Small Business Administration updated tribal leaders on the federal response to the COVID-19 pandemic. The primary message was that the CARES Act has an \$8 billion set-aside for tribes and the federal agencies have engaged in a truncated consultation processes to understand how to best distribute the funds. The tribal comments focused on addressing a shortage of personal protection equipment and testing kits in Indian Country. Several tribes have also directly contacted EPA requesting personal protection equipment and the Regions have referred these requests to the regional FEMA offices.

White House Convenes G20 Sub PCC

EPA (OITA) participated in the White House G20 Sub PCC interagency teleconference. Agency leads for the fifteen G20 tracks were asked to provide updates on the opportunities and challenges within each track. EPA provided the update for the Environment track, reporting on the outcomes of the first Environment Deputies Meeting on March 3-4 and the interagency review of the zero draft of the joint communique. Many of the tracks, including Finance, Health, Labor, Education, Digital, and Tourism, reported that COVID-19 has taken center stage in the discussions and that Saudi Arabia was moving to virtual meetings and ministerial sessions until at least June. The next Environment Deputies Meeting is scheduled for June 15-16, but there has been no decision yet on whether it will be a virtual meeting.

EPA-EU Videoconference on Resource Efficiency

EPA and EU staff held a videoconference to discuss resource efficiency as a follow up to the commitment made by the Administrator and his counterpart at the EU Environment. Building on the EU presentation to EPA last year on the EU Circular Economy Action Plan, OLEM provided a detailed presentation on EPA's Sustainable Materials Management program. Opportunities for further collaboration were identified, including sharing information on product procurement guidelines, data sharing and data interoperability, and safe disposal of Lithium-ion batteries and stakeholder engagement. EPA and EU experts in the areas of food waste and water reuse also expressed interest in information sharing on these topics.

Upcoming Major Decisions and Events

April 10 The US National and Governmental Advisory Committees (NAC and GAC) for the Commission for Environmental Cooperation (CEC) will hold their Spring meeting virtually and will discuss the new 2021-2025 CEC Strategic Plan.

Office of the Land and Emergency Management

Hot Topics

Coal Combustion Residuals (CCR).

- a. CCR Phase 2 proposed rule (package 1) – On October 15, 2019, the public comment period ended; OLEM is reviewing the comments.
 - b. CCR permitting NPRM (package 3) – This was published in the FR on February 20, and the public comment period was to end on April 20. Several public interest groups requested additional time to submit comments on the proposal. In response, OLEM extended the comment period for 30 days, through May 20. On April 15, OLEM will hold a virtual public hearing on this proposal.
 - c. CCR litigation packages (package 2, parts A and B) – On December 2, 2019, the Part A NPRM package was published in the FR; the 60-day public comment period ended January 31. On March 3, the Part B NPRM was published in the FR; the public comment period ends on April 17.
 - d. CCR Legacy Units ANPRM - Package expected to be sent to OP for OMB review soon.
- **Modernizing Ignitable Liquids Determinations Final Rule.** OMB has determined that this final rule is not a significant regulatory action and is, therefore, not subject to an interagency review prior to signature. The Office of the Federal Register (OFR) is reviewing the incorporation-by-reference aspect of the rule, and we anticipate OFR review to be completed by mid-April.
 - **PCB Extraction NPRM.** OLEM is revising the rule package in response to comments received during workgroup closure. OMB has determined that this proposed rule is a significant regulatory action and, therefore, subject to interagency review.
 - **Brownfields Revolving Loan Fund Supplemental Funding.** The deadline for applications is April 22.
 - **Ongoing major Superfund NPL sites.** We are working with R2 on Woodbrook Road and Rolling Knolls; R4 on Oak Ridge, Birmingham 35th Ave., and Petroleum Products Corporation; R5 on St. Regis, and Sandoval; R8 on Anaconda Smelter; and R10 on Portland Harbor, Quendall Terminal, Bradford Island, and East Waterway.
 - **Administrator's Emphasis List (AEL).** OLEM anticipates the press release coming out soon.
 - **CERCLA 108(b) Financial Assurance (next three sectors).** The Industry 2 (Petroleum and Coal) rule package was published in the FR on December 23, 2019, and the public comment period ended on February 21. The Industry 3 (Chemical Manufacturing) NPRM package was published in the FR on February 21, and the public comment period was to end on April 22. However, we are extending this deadline for two weeks to May 6.
 - **PFAS.** Designation of PFOA/PFOS as CERCLA Hazardous Substances NPRM. The rule package was submitted to the Office of Policy on September 20, 2019, for OMB review.
 - **COVID-19 Guidance Documents.** OLEM is preparing to release "Interim Guidance on Site Field Work Decisions Due to Impacts of COVID-19 Pandemic." In addition, OLEM recently provided to the regions "CERCLA Interim Guidance on Public Engagement during COVID-19," and we are developing an interim guidance for public meetings during COVID-19 for the RCRA Program and for the PCB Cleanup and Disposal Program.

Upcoming Major Decisions and Events

1. **ABA SEER Spring Conference.** Peter Wright will participate in this conference via a video recording.

2. **Hazardous Waste e-Manifest.** The e-Manifest Advisory Board meeting will hold a 3-day virtual public meeting on April 14–16, from approximately 10:00 a.m. – 6:00 p.m. EDT each day. Peter Wright will provide opening remarks on April 14.

Office of Mission SupportHot Topics**Federal Employee Viewpoint Survey (EVS) Update**

The Office of Personnel Management (OPM) delayed the governmentwide EVS launch until the week of Monday, July 13. EPA's launch date is to be determined. For the most up-to-date EVS information and access to past results, please visit the [EPA EVS SharePoint](#) site.

Office 365 (O365) Advanced Threat Protection (ATP) Safe Attachments & Safe Links

During March, O365 ATP Safe Attachments safeguarded the agency's messaging system (Outlook and Outlook Web Access) by blocking **2700** malicious email attachments. Also, for March, ATP Safe Links protected at least **183** employees who clicked on a malicious link, which equals about **six** prevented attacks daily. The ATP Safe Attachments feature checks to see if email attachments are malicious, and then takes action to protect our Agency. Office 365 ATP Safe Links helps protect the EPA by providing time-of-click verification of web addresses (URLs) in email messages.

EPA Hiring Opportunity: Evacuated Peace Corps Volunteers

On Wednesday, April 8, OMS held a webinar for nearly 350 interested Returned Peace Corps Volunteers (RPCVs) to learn about job opportunities across the EPA. The Peace Corps has evacuated over 7,000 volunteers from their foreign duty stations due to COVID-19 and RPCVs have been granted immediate noncompetitive eligibility status and can be hired quickly and outside of the regular, competitive process. Historically, our agency has had great success hiring RPCVs and currently has over 500 in our workforce today.

Opportunities are posted to the [Peace Corps Job Board](#) where they can be viewed by thousands of RPCVs across the nation. RPCVs can also view opportunities on USAJobs or send their resume in to a central SSC point of contact for distribution to hiring managers for consideration. The HR Shared Service Centers encourage hiring managers to identify all positions that might be filled successfully through this method. The SSCs are also working with hiring officials to ensure that they are utilizing virtual screening methods to ensure a swift interview and selection process.

Upcoming Major Decisions and Events

Nothing to report.

Office of PolicyHot Topics

Nothing to report.

Upcoming Major Decisions and Events

Subject		OMB Due Date
HUD/FHA Mortgagee Letter: Interim Procedures to Address Site Access Issues Related to Section 232 Mortgage Insurance Applications During the COVID-19 Pandemic.		04/09/2020
DOI&DOC NPRM (Pass-back): Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat		04/14/2020
USDA/APHIS FRM (Pass-back): Movement of Certain Genetically Engineered Organisms (aka Part 340 rule)		04/14/2020
USDA/RD FRM: OneRD Guaranteed Loan Regulation		04/15/2020
USDA/FS NPRM: Oil and Gas Resources		04/17/2020
USDA/RHS NPRM: Implementation of Citizenship Eligibility Requirements		04/20/2020
HUD FRM: Enhancing and Streamlining the Implementation of Section 3 Requirements for Creating Economic Opportunities for Low- and Very Low-Income Persons and Eligible Businesses		04/24/2020
Documents Sent to the OFR from April 1 - 7, 2020		
FRL #	Title	Date Sent to FR
10007-96-Region 1	Air Plan Approval and Air Quality Designation; Connecticut; Determination of Clean Data for the 2008 8-Hour Ozone Standard for the Greater Connecticut Area; Correction	04-07-2020
10007-06-OW	Notice of Recent Specifications Review and Request for Information on WaterSense Program	04-07-2020
10007-84-OECA	Memorandum Setting Forth Enforcement Discretion Regarding Self-Identification Requirement for Certain Manufacturers Subject to the TSCA Fees Rule	04-07-2020
10007-01-Region 9	Air Plan Approval; California; Placer County Air Pollution Control District; Stationary Source Permits	04-06-2020
10007-72-Region 7	Air Plan Approval; Iowa, Kansas, Missouri, Nebraska and Approval of Operating Permit Program for Iowa and Nebraska; Definition of Chemical Process Plants under State Prevention of Significant Deterioration Regulations and Operating Permit Programs	04-06-2020
10007-76-Region 4	SIP Call Withdrawal and Air Plan Approval; NC: Large Internal Combustion Engines NOx Rule Changes	04-06-2020

10007-78-Region 7	Air Plan Approval; Nebraska; Infrastructure SIP Requirements for the 2015 Ozone National Ambient Air Quality Standards (NAAQS)	04-06-2020
10007-11-OCSPP	Draft Scopes of the Risk Evaluations to be Conducted for Thirteen Chemical Substances Under the Toxic Substances Control Act; Notice of Availability	04-06-2020
10007-33-Region 5	Proposed Prospective Purchaser Agreement for the Danville Central Foundry Landfill Site in Danville, Illinois	04-06-2020
10007-71-OMS	Request for Nominations to the National and Governmental Advisory Committees to the U.S. Representative to the Commission for Environmental Cooperation	04-06-2020
10007-27-OAR	Mercury and Air Toxics Standards for Power Plants Electronic Reporting Revisions	04-06-2020
10007-36-Region 7	Air Plan Approval; Missouri; Removal of Control of Emissions from Bakery Ovens	04-06-2020
10007-55-Region 9	Air Plan Revisions; California; Technical Amendments	04-06-2020
10007-70-OLEM	Hazardous and Solid Waste Management Systems: Disposal of Coal Combustion Residuals from Electric Utilities; Federal CCR Permit Program; Extension of Comment Period	04-06-2020
10005-57-OCSPP	Significant New Use Rules on Certain Chemical Substances (19-2.B)	04-03-2020
10007-88-ORD	Strengthening Transparency in Regulatory Science Proposed Rulemaking - Extension of Public Comment Period	04-03-2020
10006-36-OCSPP	Pyridate; Receipt of Applications for Emergency Exemption, Solicitation of Public Comment	04-02-2020
10006-91-OW	Notice of Availability of the Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Draft Supplemental Restoration Plan and Environmental Assessment for the Cypremort Point State Park Improvements Project Modification	04-02-2020

Office of Research and Development

Hot Topics

ORD Wastewater Group Supporting CDC COVID19 Response

Researchers from ORD and CDC are meeting weekly to discuss COVID19 in wastewater. The researchers are interested in the development of standardized methods for analyzing wastewater, the use of methods to evaluate occurrence and fate of COVID19 in wastewater, and potential risks to wastewater workers from potential aerosols of coronavirus.

Answering Questions about COVID19 and Biosolids

ORD provided technical assistance to EPA's Office of Wastewater Management related to COVID19 in biosolids. ORD reviewed an EPA internal biosolids FAQ to address anticipated questions concerning the safety of applying treated waste to the land with respect to the coronavirus. Additionally, ORD is working with OWM to address tribal government questions on how to handle pathogenic sampling requirements for biosolids that are exceeding holding times with the currently enforced travel restrictions.

COVID-19 Support to Increase the Lifespan of PPE

ORD scientists are working with scientists from the University of North Carolina Center for Environmental Medicine Asthma and Lung Biology (UNC-CEMALB) to increase the lifespan of PPE currently in short supply at the UNC Hospitals to address the COVID19 pandemic.

PFAS Innovative Treatment Team (PITT)

This week, ORD is officially forming the PFAS Innovative Treatment Team (PITT). Addressing and managing PFAS in the environment is one of the most pressing issues facing our Agency and finding an effective way to treat PFAS contaminated media is one of the most significant challenges faced by EPA, other federal agencies, state and local organizations, and industry. ORD is instituting a new approach to address this challenge that is designed to rapidly identify and test creative/innovate ideas, break down administrative and organizational process barriers, and utilize the talents and creativity of a dedicated set of individuals within our organization. The charge to this group is to identify, develop, and validate a cost-effective, readily available solution (or solutions) to destroy PFAS that meets the needs of EPA programs and regions, states and tribes.

Development of Quick Reference Guide for Biological Toxins

ORD is participating in the development of a National Response Team (NRT) Ricin/Abrin Quick Reference Guide (QRG) intended for federal on-scene coordinators responding to incidents involving these biotoxins. These toxins do not have antidotes. The QRG has information on health effects, exposure, sampling and analysis, decontamination, and waste management. The draft, developed by an interagency workgroup, is going through review by the various agencies, including the NRT.

Upcoming Major Decisions and Events

E-Enterprise Leadership Council (EELC)

Next week the E-Enterprise Leadership Council (EELC) virtual meeting will take place April 14-15. On April 15, they will hold a risk communication session, a topic of high interest to states. South Carolina, EPA R4, and EPA OPA will discuss risk communication strategies and best practices to understand audiences and identify effective tools and tactics for engaging different communities based on critical success factors, challenges and

lessons learned. The discussion will include examples for how different EPA offices, states and tribes coordinate on risk communications and how messages are delivered to the media and public.

Office of WaterHot Topics**401 Water Quality Certification Final Rule**

On April 1, the Office of Water sent forward the Clean Water Act Section 401 water quality certification final rule to OP for OMB review. The rule was accepted for review on April 7. This action was prepared by OW in response to Executive Order 13868, which gave the EPA 13 months from April 2019 to propose and finalize updated regulations. The final rule will modernize the water quality certification regulations for the first time since 1971, providing needed clarity and efficiencies in the permitting processes for major infrastructure and energy projects throughout the United States.

WaterSense

This week, OW issued a Federal Register notice determining that, after a review of WaterSense specifications as directed by *America's Water Infrastructure Act (AWIA) of 2018*, the agency will not make updates or changes to the program specifications. Additionally, the Federal Register notice provides next steps in the agency's ongoing process of assessing and improving its WaterSense program. The EPA will be engaging with WaterSense stakeholders and the public to gain input on consumer satisfaction with WaterSense products. This effort will help ensure that WaterSense products continue to help protect our nation's water supplies while saving consumers money and performing as well as or better than regular models.

COVID-19

OW continues to engage with the water sector and identify opportunities to support their important work. As early as next week, OW will highlight the efforts that the water sector workforce is taking—including sheltering in place at the facility and providing expertise and support to other utilities—to keep safe tapwater flowing for the American public. We are also working with the water sector and the Administration to identify operational and supply chain challenges and support solutions.

Upcoming Major Decisions and Events

Nothing to report.